



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,536	03/24/2004	Robert Guinn JR.	5996.00026	6147

52396 7590 10/06/2008

ROBERT RYAN MORISHITA
MORISHITA LAW FIRM, LLC
8960 WEST TROPICANA AVENUE
SUITE 300
LAS VEGAS, NV 89147

EXAMINER

SHIN, MIN

ART UNIT	PAPER NUMBER
----------	--------------

3688

MAIL DATE	DELIVERY MODE
-----------	---------------

10/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,536	Applicant(s) GUINN ET AL.	
	Examiner Min Shin	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the initial filing on 3/24/2004. Claims 1-37 are currently pending and have been considered below.

2. **Examiner's Note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by
Kaminkow et al.

Art Unit: 3688

Claim 1:

Kaminkow discloses a system for tracking individual activity, comprising:

(a) a remote site including:

a plurality of interactive devices that each engage an individual in an interactive activity (Figures 1-3);

a plurality of RF enclosures, wherein each respective enclosure is coupled to a respective interactive device, and wherein each enclosure includes an RF reader and a display (Figure 2 and 3);

(b) a plurality of RF transponders, wherein each transponder includes a respective identifier; and

wherein when the transponder is placed in proximity to the RF enclosure, the identifier is obtained by the RF reader (Figures 1-3, paragraph 0057. The underlined claim language is an optional claim language-"if" or "when". Therefore no patentable weight is given);

(c) a central site, wherein the central site is in at least periodic communication with the remote site;

the central site including a database; and

wherein the database stores the identifier for each transponder and further stores information associated with each respective identifier, the information including information regarding an individual in possession of the respective transponder (paragraphs 0117 and 118).

Art Unit: 3688

Claim 2:

Kaminkow discloses the system of claim 1 as described above and further discloses wherein the information includes information regarding an individual in possession of the respective transponder, including a point balance, and wherein the point balance is reflective of the individual's activity at the plurality of interactive devices (paragraph 0055).

Claim 3:

Kaminkow discloses the system of claim 1 as described above and further discloses, wherein the information includes information regarding an individual in possession of the respective transponder, including a point balance, and wherein the point balance is an accumulation of points based on the individual's activity at the plurality of interactive devices and awards from an establishment utilizing the system (paragraph 0055).

Claim 4:

Kaminkow discloses the system of claim 2 as described above and further discloses wherein the points have a monetary value and are redeemable (paragraph 0061).

Art Unit: 3688

Claim 5:

Kaminkow discloses the system of claim 1 as described above and further discloses wherein information stored in the database further includes session activity, where a session is the time period from the time the transponder is placed in proximity to the RF reader until a logout event (paragraph 0068).

Claim 6:

Kaminkow discloses the system of claim 1 as described above and further discloses wherein when the transponder is placed in proximity to the RF enclosure, the identifier is obtained by the RF reader and transmitted to the central site, wherein upon receiving the identifier, the central site transmits information to the respective enclosure at the remote site, including information regarding an individual in possession of the respective transponder and a point balance for the individual, wherein the information is displayed to the individual (paragraph 0117 and 0118).

Claims 7-10:

Kaminkow discloses the system of claim 1 as described above and further discloses the plurality of interactive devices include gaming devices, kiosks, and pay stations, slot machines and gaming tables; wherein the RF enclosure further includes a keypad and a controller (paragraphs 0070 and 0071).

Art Unit: 3688

Claim 11:

Kaminkow discloses the system of claim 1 as described above and further discloses wherein the central site is in at least periodic communication with each remote site, and wherein the database stores information accumulated from all of the remote sites (paragraph 0059).

Claim 12:

Kaminkow discloses a system for tracking individual activity, comprising:
an interactive device that engages an individual in an interactive activity;

an RF enclosure, wherein the enclosure is coupled to the interactive device, and wherein the enclosure includes an RF reader and a display (paragraph 0086);

an RF transponder, wherein the transponder includes an identifier; and

wherein when the transponder is placed in proximity to the RF enclosure, the identifier is obtained by the RF reader (Figures 1-3, paragraph 0057. The underlined claim is given no patentable weight because it is an optional claim).

Claim 13:

Kaminkow discloses the system of claim 12 as described above and further discloses wherein the display displays a point balance, the point balance reflective of the individual's activity at the interactive device and other interactive devices (paragraph 0055).

Art Unit: 3688

Claims 14:

Kaminkow discloses the system of claim 12 as described above and further discloses wherein the RF enclosure is coupled to a computing device that is designed for at least periodic communication with a central site (paragraph 0059).

Claims 15-19:

Kaminkow discloses the system of claim 12 as described above and further discloses wherein the RF enclosure further includes a keypad; wherein the display and the keypad are integral; wherein the RF enclosure further includes a keypad and a controller; wherein the interactive device is one of a gaming device, a kiosk, and a pay station; and wherein the gaming device is one of a slot machine and a gaming table (paragraphs 0070 and 0071).

Claims 20 and 21:

Kaminkow discloses a method for tracking individual activity, comprising: receiving, at an interactive device at a remote site, an RF signal from a transponder held by an individual, the signal including an identifier;

transmitting the identifier to a central site; and tracking activity by the individual until a logout event, wherein information about the activity is stored at the central site (Figures 2-3, paragraphs 0117 and 0118).

Art Unit: 3688

Claim 22:

Kaminkow discloses the method of claim 21 as described above and further discloses wherein the information includes a point balance (paragraph 0055).

Claim 23:

Kaminkow discloses the method of claim 20 as described above and further discloses wherein tracking activity by the individual includes accumulating a point balance for the individual reflective of the individual's activity (paragraph 0055);

Claim 24:

Kaminkow discloses the method of claim 20 as described above and further discloses wherein tracking activity by the individual includes accumulating a point balance for the individual reflective of the individual's activity; and permitting the individual to redeem points in the point balance for cash at the interactive device without assistance of other persons (paragraph 0055 and 0070).

Claim 25:

Kaminkow discloses the method of claim 20 as described above and further discloses:

receiving, at the interactive device, an enroll signal;

receiving, at an interactive device, an RF signal from a transponder held by an individual, the signal including an identifier;

Art Unit: 3688

prompting the individual to enter a PIN;

transmitting the identifier and PIN to a central sit (paragraphs 0099, 0101 and 0129).

Claim 26:

Kaminkow discloses the method of claim 24 as described above and further discloses: prior to receiving an RF signal from a transponder held by an individual, receiving, at the interactive device, an RF signal from a transponder held by an employee, the signal including an employee identifier (paragraph 0107).

Claim 27:

Kaminkow discloses the method of claim 20 as described above and further discloses generating a plurality of reports at the central site relating to activities conducted on the plurality interactive devices at the plurality remote sites; and displaying a report to an authorized individual at a remote site (paragraph 0084 and 0113).

Claim 28:

Kaminkow discloses the method of claim 26 as described above and further discloses wherein one of the report relates to the current activity of a single individual in real time (paragraph 0062).

Claim 29:

Kaminkow discloses the method of claim 26 as described above and further discloses wherein the reports are displayed to authorized personnel over the internet (paragraph 0068).

Claim 30:

Kaminkow discloses a method for tracking individual activity, comprising:

receiving, at any one of a plurality of interactive devices at any one of a plurality remote sites, an RF signal from a transponder held by an individual, the signal including an identifier; transmitting the identifier to a central site; tracking, by the remote site, activity by the individual at the interactive device until a logout event, wherein information about the activity is stored at the central site; generating a plurality of reports at the central site relating to activities conducted on the plurality interactive devices at the plurality remote sites; and displaying a report to an authorized individual at a remote site (paragraphs 0068, 0084, 0113, 0117 and 0118).

Claims 31-33:

Kaminkow discloses the method of claim 30 as described above and further discloses wherein one of the reports relates to the activity of a single individual; wherein the one report reflects current activity for the individual in real time; and wherein the report is displayed to authorized personnel over the internet (paragraph 0062 and 0068).

Claim 34:

Kaminkow discloses a method for tracking individual activity, comprising: receiving, at an interactive device at a remote site, an enroll signal; receiving, at an interactive device at a remote site, an RF signal from a transponder held by an individual, the signal including an identifier; prompting the individual to enter a PIN; and transmitting the identifier and PIN to a central site (paragraphs 0099, 0101 and 0129).

Claim 35:

Kaminkow discloses the method of claim 34 as described above and further discloses tracking activity by the individual until a logout event, wherein information about the activity is stored at the central site (paragraphs 0117 and 0118).

Art Unit: 3688

Claim 36:

Kaminkow discloses the method of claim 34 as described above and further discloses prior to receiving an RF signal from a transponder held by an individual, receiving, at the interactive device, an RF signal from a transponder held by an employee, the signal including an employee identifier (paragraph 0107).

Claim 37:

Kaminkow discloses a method for tracking individual activity, comprising:
receiving, at an interactive device at a remote site, an RF signal from a transponder held by an individual, the signal including an identifier;

transmitting the identifier to a central site;

using the identifier at the central site to retrieve a point balance for the individual;
transmitting, by the central site, the information to the interactive device;

displaying, by the interactive device, the point balance; and

permitting the individual to redeem points in the point balance for cash at the interactive device without assistance of other persons (paragraph 0055, 0061 and 0070).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner notes that the following references included in the Applicant's information disclosure statements are also very pertinent to the invention and include many, if not all, of the claimed invention

- Fertitta (US 6,302,793)
- Itkis (US 2003/0104865)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Shin whose telephone number is (571) 270-3463. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Myhre can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3688

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS
9/22/2008

/Donald L. Champagne/
Primary Examiner, Art Unit 3688